

## REMARKS

Claims 1-38, 40-49, 52-55, 58-60, 62-68, 70-71 and 73-75 are pending in the present application. Claims 39, 50-51, 56-57, 61, 69, and 72 were previously canceled. Claims 1-37 were previously withdrawn. Claim 38 has been amended. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

Claim 52 has been rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection.

Claim 52 was amended previously to depend from claim 38; however, as the Examiner correctly points out, claim 38 did not provide antecedent basis for the fluorine containing compound of claim 52. Applicants thank the Examiner for the attention to the amendments and have now amended parent claim 38 to recite the element of the fluorine containing compound, thus the required antecedent basis for the element in claim 52 is now present. Accordingly, reconsideration and allowance are respectfully requested.

Claims 38, 40-49 and 59 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent No. 5,715,039 to Fukuda (hereinafter "Fukuda"), in view of U.S. Patent Pub. No. 2004/0175647 to French, *et al.* (hereinafter "French '647") and U.S. Patent Pub. No. 2004/0209411 to Fisher, *et al.* (hereinafter "Fisher"). Applicants respectfully traverse these rejections.

Applicants submit that for claim 38, an independent method claim, the combination of references relied upon by the Examiner does not provide the claimed features. Among other recitations, claim 38 recites the use of an immersion fluid that is water based and also has a

fluorine containing compound. The listed references, even if combined as the Examiner proposed to do, do not provide these features.

However, the Examiner, in other rejections of the claims, has further recited U.S. Patent Pub. No. 2005/0164522 to Kunz, *et al.* (hereinafter "Kunz") as another reference to be combined, for providing a fluorine containing compound. Thus, the Examiner apparently asserts that if all of these many prior art references are combined, the claimed features are made obvious.

Applicants respectfully disagree with the Examiner's conclusions. Kunz discloses a non-water based perfluoroether compound fluid for photolithography. Kunz specifically requires that the photoresist used not be soluble in the immersion fluid (see paragraph [0119] of Kunz, where the reference states that "...material 550 (the resist in Kunz) may not be substantially soluble in the fluid composition 530 (the fluid in Kunz).") The features of claim 38 provide a photoresist with an HA composition including hydrogen and an immersion fluid comprising water. Such a photoresist top layer is clearly soluble in water, and thus this claimed arrangement is in direct contradiction to the express teachings of Kunz. The photoresist features of claim 38 are in contact with the immersion fluid comprising water, and the photoresist is clearly soluble in water as recited. Accordingly, one skilled in the art would not combine Kunz with the many other cited references to reach the recited features of claim 38. Applicants therefore continue to maintain that claim 38 is unobvious over the combination of references made by the Examiner and is allowable. Reconsideration and allowance are therefore requested.

Claims 38, 40-49 and 59 have also been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent Pub. No. 2003/0174408 to Rostalski, *et al.* (hereinafter "Rostalski"), in view of Casiday; "Water Hardness: Inorganic Reactions Experiment" (hereinafter "Casiday") and Fisher.

Applicants again submit that these references do not provide the recited features of claim 38. Further, Applicants note in other rejections the Examiner's use of the Kunz reference for the recited feature of the fluorine containing compound now recited in claim 38. Applicants argue again that the use of the Kunz reference in combination with the others to allege that the features of claim 38 are obvious is in error, because the Kunz reference teaches away from the features recited in claim 38. Moreover, one of ordinary skill in the art at the time the claimed invention was made would never look to the Kunz reference and combine it with these other references as suggested and relied upon by the Examiner. Accordingly, reconsideration and allowance for claim 38 over this rejection are also respectfully requested.

Claims 40-49 and 59 depend from and recite further elements on the features of claim 38. Each of these dependent claims also necessarily incorporates the features of claim 38 and, for at least this reason, is also believed to be allowable. Reconsideration and allowance are therefore respectfully requested.

Claims 52-55, 63-68, 70-71 and 74 have been rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Fukuda in view of French '647 and Fisher, and further in view of Kunz. Claims 52-55, 63-68, 70-71 and 74 have also been rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Rostalski in view of Casiday, French '647, and Fisher, and further in view of Kunz. Applicants respectfully traverse these rejections.

With respect to claim 63, another independent claim, Applicants respectfully submit that again, the use of the Kunz reference in combination with Fukuda in view of French '647 and Fisher, and alternatively in combination with Rostalski in view of Casiday, French '647, and Fisher, does not obviate recited features of claim 63. Kunz teaches that the photoresist material (550 in Kunz, see paragraph [0119]) not be soluble in the fluid (530 in Kunz, see paragraph

[0119]). The reference is inopposite to the elements recited in claim 63, which recites an HA containing a photoresist in contact with the fluid. The claimed photoresist is soluble in water. One skilled in the art would not combine Kunz with the other references, as Kunz teaches away from the claimed embodiment. Accordingly, the combination of references suggested by the Examiner does not obviate the claimed arrangement, and claim 63 is therefore also believed to be allowable. Reconsideration and allowance are respectfully requested for claim 63.

Claims 52-55 depend from and recite further elements on the features of claim 38. Each of these dependent claims also necessarily incorporates the features of claim 38, and, for at least this reason, is also believed to be allowable. Reconsideration and allowance are therefore respectfully requested. Claims 64-68, 70-71 and 74 similarly depend from and recite further elements on the features of claim 63. Each of these dependent claims also necessarily incorporates the features of claim 63, and, for at least this reason, is also believed to be allowable. Reconsideration and allowance are therefore respectfully requested.

Claim 62 has been rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Rostalski in view of Casiday, French '647 and Fisher, and further in view of U.S. Patent Pub. No. 2004/0038556 to French, *et al.* (hereinafter "French '556"). Applicants respectfully traverse this rejection.

Claim 62 is another dependent claim which recites, on the features of claim 38, an element "...wherein the step of developing the photoresist layer comprises immersing the photoresist in a tetramethylammonia hydroxide solution." The French '556 reference is relied upon by the Examiner for the particular elements of claim 62. However, Applicants believe that parent claim 38 is now allowable over the combination relied upon by the Examiner and over any combination suggested by the Examiner in the action. As claim 62 depends from and necessarily

incorporates these features, for at least this reason, claim 62 is also believed to be allowable.

Reconsideration and allowance are therefore requested.

Claims 58, 60, 73 and 75 have been rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Rostalski, Casiday, French '647, Fisher and Kunz, and further in view of U.S. Patent Pub. No. 2005/0018208 to Levinson (hereinafter "Levinson"). Applicants respectfully traverse these rejections.

Claims 58 and 60 depend from and recite additional features on the features recited in claim 38. Apparently, the Examiner cites the Levinson reference for the particular method features recited in the dependent claims. However, as argued above, Applicants believe that claim 38 recites features not obviated by the prior art combinations relied upon by the Examiner. These dependent claims necessarily incorporate these features and, for this reason at least, are also believed to be allowable. Reconsideration and allowance are therefore requested.

Claims 73 and 75 depend from and recite additional features on the features of claim 63, and necessarily incorporate the allowable method features of the parent claim. Accordingly, for at least these reasons, Applicants believe these dependent claims are also allowable. Reconsideration and allowance are therefore respectfully requested.

In view of the above, Applicants respectfully submit that this response complies with 37 C.F.R. § 1.116. Applicants further submit that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Mark E. Courtney Applicants' Attorney, at 972-732-1001 so that such issues may be resolved as expeditiously as possible. The Commissioner is hereby authorized to charge any fees that are due, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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